



CONNECTICUT CENTER
FOR PATIENT SAFETY
QUALITY HEALTHCARE IS A RIGHT.

Senate Bill 1091
Friday 3/20/09

Good afternoon, Senator McDonald and Representative Lawlor and distinguished members of the Judiciary Committee.

My name is Jean Rexford and I am Executive Director of the CT Center for Patient Safety. We are an educational and advocacy not for profit.

I am here in strong support of Senate Bill 1091 an Act Concerning Complaints Pending in the Department of Public Health. All of health care is unnecessarily complex and the process to review complaints is not only complex but provides no opportunity for the individual who files a complaint to respond to those who have self interest in the outcome.

For the last several years, as I have worked with individuals who file complaints with the Department of Public Health, the frustration experienced by the public is very real. In many respects, these victims or family members are the whistleblowers -- talking about medical harm in institutions and by doctors that we all rely on.

There is a growing movement across the country to demand greater transparency in all of these proceedings that are now behind closed doors. While the Medical Examining Board meetings and the hearings are open to the public, by the time the Board meets, there is no opportunity for input. CT seems to be particularly behind the times. Recently a reporter for Hearst newspapers told me that we are the only state that she has heard of that still uses paper. All other states are electronic. After a citizen files a complaint, and is turned down, he or she -- in order to get information, must file under Freedom of Information and indeed pay \$.25 per page.

And consumers need to understand is that the standard of care is not necessarily evidence based medicine. So even though "care" has caused harm, it is still not actionable by the DPH. Another problem is that the investigations department of the DPH needs far more funding to conduct these investigations. They are often hamstrung by the inability to get experts and by the costs of investigations. I found out that one of their experts had been a key player in the death of a young mother about ten years ago. Of course, the father had sued the practice. It is hard for me to believe that this particular expert would ever be impartial -- or more to the point -- an expert.

Yet another problem is what is left out of hospital records or even more sadly altered. We have been urging patients across the state to keep their own medical journal during hospital stays and we all must work aggressively for electronic health records that would make this more difficult.

Oftentimes, the person who files a complaint has a great deal of knowledge that should not be ignored but become part of the investigation. When a mother has a child with medical issues,

she has a depth of knowledge and experience. Doctors and hospitals often ignore that knowledge, but the DPH should not.

As someone who attends many Medical Examining Board meetings, it seems that Consent Orders are the most convenient way to handle complaints made by the public. I believe strongly that throughout the process, input from the individual who files a complaint would be invaluable and better inform the current process. According to Public Citizen, Connecticut ranks 42 in the nation in taking actions against doctors.

I was in Washington and sat next to someone at a conference who works for Whistle Blower Protection. I asked him what he had learned. He said that he usually does not like the whistle blower. The people who are part of the problem are far more likeable and far easier to get along with.

People seeking health justice probably are determined and impatient. That in no way means, that they are not right.